

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**EVAN RICHARDSON,**

**Plaintiff,**

**v.**

**SOLICITOR MONTGOMERY  
COUNTY, PA, et al.,**

**Defendants.**

**CIVIL ACTION NO. 21-1347**

**ORDER**

**AND NOW**, this 31st day of March 2022, upon consideration of the Norriton Defendants' Motion to Dismiss [Doc. No. 3], County Defendants Motion to Dismiss [Doc. No. 4], and the related briefing, and for the reasons set forth in the Memorandum Opinion to follow, it is hereby **ORDERED** that the Motions are **GRANTED in part** and **DENIED in part**, as follows:

1. The motion to dismiss Plaintiff's 42 U.S.C. § 1983 claims against Defendant Frame on the basis of absolute immunity is **DENIED**.
2. The motion to dismiss Plaintiff's state law claims against Defendant Frame on the basis of absolute immunity is **GRANTED**, and these claims are **DISMISSED with prejudice**.
3. The motion to dismiss Plaintiff's 42 U.S.C. § 1983 and state law claims against Defendant Naber on the basis of qualified immunity is **DENIED without prejudice**.
4. The motion to dismiss Plaintiff's 42 U.S.C. § 1983 abuse of process claim against Defendants Naber and Frame is **DENIED**.
5. The motions to dismiss Plaintiff's 42 U.S.C. § 1983 claims against Defendants West Norriton Township and Montgomery County due to failure to plead viable *Monell* claims are **GRANTED**. These claims are **DISMISSED without prejudice**.

6. The motions to dismiss Plaintiff's 42 U.S.C. §§ 1983 and 1985 conspiracy claims are **GRANTED** for failure to state plausible claims. These claims are **DISMISSED without prejudice**.
7. The motions to dismiss Plaintiff's battery, false imprisonment, and intentional infliction of emotional distress claims against Defendants West Norriton Township and Montgomery County are **GRANTED**. These claims are **DISMISSED with prejudice**.
8. The motion to dismiss Plaintiff's consortium claim against all Defendants is **GRANTED**. This claim is **DISMISSED with prejudice**.
9. To the extent that Defendants' motions incorporate motions to strike, these motions are **GRANTED subject to amendment**.

It is further **ORDERED** that Plaintiff is granted leave to file an amended complaint on or before **April 22, 2022**.

It is so **ORDERED**.

**BY THE COURT:**

**/s/ Cynthia M. Rufe**

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**CYNTHIA M. RUFÉ, J.**